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MITIGATED NEGATIVE DECLARATION

Project Name: Sol Orchard Valley Center Energy

Project Number(s): 3300 11-027 (MUP)

This Document is Considered Draft Until it is Adopted by the Appropriate County of San Diego Decision-Making Body.

This Mitigated Negative Declaration is comprised of this form along with the Environmental Initial Study that includes the following:

- a. Initial Study Form
 - b. Environmental Analysis Form and attached extended studies for Air Quality, Biological Resources, Cultural Resources, Drainage/Hydrology, Fire Protection Plan, Phase 1 ESA, Noise Study, Stormwater Management Plan, and Visual Resources/Aesthetic Analysis
1. California Environmental Quality Act Mitigated Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.

2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

A. Biological Resources

1. **BIOLOGICAL MONITORING: [DPLU, PCC] [DPW, LDR] [GP, CP, UO] [DPLU, FEE X 2]. Intent:** In order to prevent inadvertent disturbance to onsite oak root protection zones, all grading and construction located within or near the 50-foot oak root protection zone shall be monitored by a biologist. **Description of Requirement:** A County approved biologist "Project Biologist" shall be contracted to perform biological monitoring during all grading, clearing, grubbing, trenching, and construction activities located within or near the 50-foot oak root protection zone. The following shall be completed:

- a. The Biologist shall perform the monitoring duties before, during and after construction pursuant to the most current version of the [County of San Diego Biological Report Format and Requirement Guidelines](#) and this permit. The contract provided to the county shall include an agreement that this will be completed, and a [Memorandum of Understanding \(MOU\)](#) between the biological consulting company and the County of San Diego shall be executed. The contract shall include a cost estimate for the monitoring work and reporting.
- b. The cost of the monitoring shall be added to the grading bonds that will be posted with the Department of Public Works, or bond separately with the Department of Planning and Land Use.

Documentation: The applicant shall provide a copy of the biological monitoring contract, cost estimate, and [MOU](#) to the [DPLU, PCC]. Additionally, the cost amount of the monitoring work shall be added to the grading bond cost estimate. **Timing:** Prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits. **Monitoring:** The [DPLU, PCC] shall review the contract, [MOU](#) and cost estimate or separate bonds for compliance with this condition. The cost estimate should be forwarded to [DPW, Project Manager], for inclusion in the grading bond cost estimate, and grading bonds. The [DPW, PC] shall add the cost of the monitoring to the grading bond costs.

- 2. BIOLOGICAL MONITORING: [DPLU, PCC] [UO, FG] [DPLU, FEE X2].**
Intent: In order to ensure that the biological monitoring occurred during the grading phase of the project, a final Biological Monitoring Report shall be prepared. **Description of Requirement:** The “Project Biologist” shall prepare final biological monitoring report. The report shall substantiate the supervision of the grading and construction activities, and state that grading or construction activities did not impact any additional areas of the oak root protection zone or any other sensitive biological resources. The report shall conform to the County of San Diego Report Format Guidelines for Biological Resources, and include the following items:
- a. Photos of the temporary fencing that was installed during the trenching, grading, or clearing activities.
 - b. Monitoring logs showing the date and time that the monitor was on site.
 - c. Photos of the site after the grading and clearing activities.

Documentation: The Biologist shall prepare the final report and submit it to the [DPLU, PCC] for review and approval. **Timing:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the final report shall be approved. **Monitoring:** The [DPLU, PCC] shall review the final report for compliance this condition and the report format guidelines. Upon approval of the report, [DPLU, PCC] shall inform [DPW, LDR] and [DPW, PDCI], that the requirement is complete and the bond amount can be relinquished. If the monitoring was bonded separately, then [DPLU, PCC] shall inform [DPLU, FISCAL] to release the bond back to the applicant.

B. Agricultural Resources

- 1. AGRICULTURAL RESOURCES: [DPLU, PCC] [DGS, RP] [BP, GP, CP, UO] [DPLU, FEE X 2].** **Intent:** In order to mitigate for agricultural resources, as evaluated in the [County Agricultural Resource Guidelines for Determining Significance](#), mitigation of the impacts to agricultural resources will be required in the form of a payment to the County’s Purchase of Agricultural Conservation Easement (PACE) Program – **OR** – off-site preservation at a ratio of 1:1 for all impacted agricultural soils for a total of 6.61 acres – **OR** – on-site preservation of 6.61 agricultural mitigation. The agricultural mitigation shall be increased at a 1:1 ratio for any additional ballasted footings over 10 percent of the total solar panel supports. **Description of Requirement:** Mitigation of the impacts to

agricultural resources will be required in the form of a payment to the County's Purchase of Agricultural Conservation Easement (PACE) Program or by off-site preservation at a ratio of 1:1 for all impacted agricultural soils for a total of 6.61 acres. The agricultural mitigation shall be increased at a 1:1 ratio for any additional ballasted footings over 10 percent of the total solar panel supports. This off-site preservation may be by the purchase of an agricultural easement or agricultural land, over an existing agricultural operation. All agricultural easements or purchased land must be preserved in agricultural production, in perpetuity. The on-site mitigation must be preserved for the life of the permit. **Documentation:** The applicant shall prepare the draft plats and legal descriptions of the easements, then submit them for preparation and recordation with the *[DGS, Real Property Division]*, and pay all applicable fees associated with preparation of the documents. Upon recordation of the easements, the applicant shall provide copies of the recorded easement documents to *[DPLU, PCC]* for approval. **Timing:** Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit, the easements shall be recorded. **Monitoring:** The *[DGS, RP]* shall prepare and approve the easement documents and send them to *[DPLU, PCC]* for pre approval. The *[DPLU, PCC]* shall pre-approve the language and estimated location of the easements before they are released to the applicant for signature and subsequent recordation. Upon Recordation of the easements *[DGS, Real Property Division]* shall forward a copy of the recorded documents to *[DPLU, PCC]* for satisfaction of the condition.

3. AGRICULTURAL SOILS [DPLU, BPR] [UO]

Intent: In order to provide for the long term viability of agriculture on the project site, the following measures shall be implemented throughout the life of this permit. **Description of requirement:** The soils on-site shall remain viable for agriculture. Throughout the life of the permit, the soils on-site shall be left in their natural state, and not coated with any materials that would sterilize the soil. **Documentation:** The applicant shall maintain the viability of the on-site agricultural soils. The soils shall remain in their natural state, and not coated with any materials that would sterilize the soil. **Timing:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **Monitoring:** The *[DPLU, Code Enforcement Division]* is responsible for enforcement of this permit.

C. Geological

4. GEOTECHNICAL STUDIES: [DPLU, BD] [BP, UO]

Intent: In order to identify that the project site is subject to Liquefaction as evaluated by the [County of San Diego Guidelines for Determining Significance](#), Geotechnical Report shall be prepared. **Description of Requirement:** A Geotechnical Study shall be prepared by a Registered Civil or Geotechnical Engineer, and submitted for approval by the by the [DPLU, Building Division]. The report shall specify foundation designs, which are adequate to preclude substantial damage to the proposed structure due to liquefaction. **Documentation:** The applicant shall prepare the report and submit it along with the submittal for the building plans. All recommendations of the report shall be incorporated into the design of the building. **Timing:** Prior to the approval of any building plan and the issuance of any building permit for any structure the Geotechnical study shall be approved. **Monitoring:** The [DPLU, BD] shall review the Geotechnical Study for compliance with all applicable building codes, engineering standards, and this condition. If there are any recommendations to minimize effects of liquefaction, the [DPLU, BD] shall ensure that, they are incorporated into the project design.

D. Transportation

5. TRANSPORTATION IMPACT FEE: [DPW, LDR] [DPLU, BD] [BP]

Intent: In order to mitigate potential cumulative traffic impacts to less than significant, and to comply with the [Transportation Impact Fee \(TIF\) Ordinance Number 77.201-77.219](#), the TIF shall be paid. **Description of requirement:** The Transportation Impact Fee (TIF) shall be paid pursuant to the to [County TIF Ordinance number 77.201-77.219](#) . The fee is required for the entire project, or it can be paid at building permit issuance for each phase of the project. The fee is calculated pursuant to the ordinance. **Documentation:** The applicant shall pay the TIF at the [DPLU, ZONING] and provide a copy of the receipt to the [DPLU, Building Division Technician] at time of permit issuance. The cost of the fee shall be calculated at time of payment. **Timing:** Prior to approval of any building plan and the issuance of any building permit, or use of the premises in reliance of this permit, the TIF shall be paid. **Monitoring:** The [DPLU, ZONING] shall calculate the fee pursuant to the ordinance and provide a receipt of payment for the applicant. [DPLU, Building Division] shall verify that the TIF has been paid before the first building permit can be issued. The TIF shall be verified for each subsequent building permit issuance.

E. Air Quality

6. AIR QUALITY & DUST CONTROL: [DPLU, BI] [UO] [MITIGATION]

Intent: In order to mitigate fugitive dust caused by the permanent disturbance of the site from clearing and grading, a permeable soil-binding or permeable rock material shall be used to limit the dust. **Description of Requirement:** A nontoxic, biodegradable permeable soil-binding agent or permeable rock material will be applied to all disturbed or exposed surface areas as follows:

- a. A permeable soil-binding agent suitable for both traffic and non-traffic areas shall be used. These agents shall be biodegradable, eco-safe, with liquid copolymers that stabilize and solidify soils or aggregates, which facilitate dust suppression.
- b. Alternatively, a permeable rock material consisting of either river stone decomposed granite or gravel could be placed in a thin cover over all exposed surface area in-lieu of the binding agent referenced above.
- c. In-lieu of, or in combination with, conditions a and b above, the areas located between the arrays, and any non-drivable surface may be revegetated with native noninvasive plant species. A Revegetation Plan shall be prepared that provides sufficient ground cover to mitigate fugitive dust from the ground disturbances. The revegetation plan shall conform to the most current version of the County of San Diego Report Format and Content Requirements for Revegetation Plans. The Revegetation Plan shall include the following:
 - (1) The monitoring plan shall be for a length of 3 years and have an 80 percent success criterion.
 - (2) The report shall be prepared by a County approved biologist and the construction plans shall be prepared by a State of California Licensed Landscape Architect.
 - (3) Revegetation objectives, revegetation site biological resource map, 24" x 36" landscape plan, map showing revegetation areas according to mitigation type and amount, site preparation information, type of planting materials (e.g. species ratios, source, size material, etc.), planting program, 80 percent success criteria, and a detailed cost estimate.
 - (4) A cost estimate based on a 3% annual inflation rate shall be submitted for review and approval, which includes the cost

of the plant stock and its installation, irrigation system and installation, cost of monitoring and maintenance of the revegetation area for the required monitoring period, and report preparation and staff time to review.

- (5) The applicant shall enter into a secured agreement with the County of San Diego to the satisfaction of the [DPLU, LA] as follows: The security shall consist of a letter of credit, bond, or cash for 100 percent of the estimated costs associated with the implementation of the Revegetation Plan and a 10 percent cash deposit of the cost of all improvements, but the cash deposit shall be no less than \$3,000 and no more than \$30,000.

- d. In-lieu of, or in combination with, conditions a, b and c above, the areas located between the arrays, and any non-drivable surface may be used for agriculture, including but not limited to pasture land to be grazed by cattle, sheep or goats, vegetable crops, ornamentals, berries, grapes, or container ornamentals.

Documentation: The applicant shall install the permeable binding agent or permeable rock as referenced above. Upon completion a photographic letter report with manufacture data sheets and specifications of the material shall be submitted to the [DPLU, PCC] for review and approval. For Option c only, the applicant shall prepare the Revegetation Plan pursuant to this condition and by using the Applicants Guide to Preparing revegetation Plans, DPLU Form # 717, and then submit it to the [DPLU, ZONING] and pay all the applicable review fees and deposits. **Timing:** Prior to occupancy of the first structure built in association with this permit and every other structure thereafter, compliance with this condition is required. **Monitoring:** The [DPLU, PCC] shall review the letter report for compliance with this condition, and instruct the [DPLU, BI] to perform a field verification. (For Option c only): The [DPLU, LA] shall review the Revegetation Plan for conformance with this condition and the Report Format and Content Requirements for Revegetation Plans. Upon approval of the Plan, a Secured Agreement for the implementation of the Plan shall be executed.

7. **AIR QUALITY & DUST CONTROL: [DPLU, PCO] [OG] [MITIGATION]**
Intent: In order to mitigate fugitive dust caused by the permanent disturbance of the site from clearing and grading, a permeable soil-binding agent, permeable rock material, or revegetation in combination with both, shall be used to limit the dust. **Description of Requirement:** A non-toxic,

biodegradable permeable soil-binding agent, revegetation of native plant species, or permeable rock material shall be maintained on all disturbed or exposed surface areas as follows:

- a. A permeable soil-binding agent suitable for both traffic and non-traffic areas shall be used. These agents shall be biodegradable, eco-safe, with liquid copolymers that stabilize and solidify soils or aggregates, which and facilitate dust suppression.
- b. Alternatively, a permeable rock material consisting of either river stone decomposed granite or gravel could be placed in a thin cover over all exposed surface area in-lieu of the binding agent referenced above.
- c. In-lieu of, or in combination with #1 and #2 above, the areas located between the arrays, and any non-drivable surface may be revegetated with native noninvasive plant species. The areas shall be maintained and shall limit any nonnative invasive plant species. The site shall be vegetated as shown in the approved revegetation plan that is on file with this permit.

Documentation: The permittee and property owner shall maintain the permeable binding agent, revegetation, or permeable rock as referenced above. **Timing:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **Monitoring:** The [DPLU, Code Enforcement Division] is responsible for enforcement of this permit.

The following Plan Notes shall be placed on the Plot Plan and made conditions of the issuance of said permits.

(BIOLOGICAL RESOURCES)

8. "RESOURCE AVOIDANCE: [DPLU, PCC] [DPW, PDCI] [DPLU, FEE X 2]

Intent: In order to avoid impacts to migratory birds and raptors, which are sensitive biological resources pursuant to the Migratory Bird Treaty Act (MBTA), a Resource Avoidance Area (RAA), shall be implemented on all plans. **Description of Requirement:** There shall be no brushing, clearing and/or grading such that none will be allowed during the breeding season of migratory birds and raptors within the Resource Avoidance Area (RAA) as indicated on these plans. The breeding season is defined as occurring between January 15th and August 31st. The Director of Planning and Land Use [DPLU, PCC] may waive this condition, through written

concurrence from the US Fish and Wildlife Service and the California Department of Fish and Game, provided that no migratory birds or raptors are present in the vicinity of the brushing, clearing or grading. **Documentation:** The applicant shall provide a letter of agreement with this condition; alternatively, the applicant may submit a written request for waiver of this condition. Although, No Grading shall occur within the RAA until concurrence is received from the County and the Wildlife Agencies. **Timing:** Prior to preconstruction conference and prior to any clearing, grubbing, trenching, grading, or any land disturbances and throughout the duration of the grading and construction, compliance with this condition is mandatory unless the requirement is waived by the County upon receipt of concurrence from the Wildlife Agencies. **Monitoring:** The [DPW, PDCI] shall not allow any grading in the RAA during the specified dates, unless a concurrence from the [DPLU, PCC] is received. The [DPLU, PCC] shall review the concurrence letter.”

9. **“BIOLOGICAL MONITORING: [DPLU, PCC] [DPW, PDCI] [PC] [DPLU, FEE X3]. Intent:** In order to prevent inadvertent disturbance to onsite oak root protection zones, all grading located within 50-feet of the canopy of an oak tree shall be monitored by a biological monitor. **Description of Requirement:** A County approved biologist shall perform biological monitoring during all grading, clearing, grubbing, trenching, and construction activities within 50-feet of the canopy of an oak tree. The Project Biologist shall supervise and monitor grading and construction activities to ensure against damage to biological resources that are intended to be protected. The monitor shall be on site during all grading, clearing and construction activities that are within 50-feet of the canopy of an oak tree. If there are disturbances, the monitor must report them immediately to the [DPLU PCC]. Additionally, the biologist shall perform the following duties: **[DPLU, FEE]**
- a. Perform periodically monitor the work area for excessive dust generation in compliance with the County grading ordinance and report deficiencies immediately to the DPW Construction Inspector;
 - b. Monitor equipment maintenance, staging, and fuel dispensing areas to ensure there is no runoff to Waters of the US;
 - c. Stop or divert all work when deficiencies require mediation and notify DPW Construction Inspector and DPLU Permit Compliance Section within 24 hours; (8) produce periodic (monthly during

grading) and final reports and submit to the Wildlife Agencies and the DPLU (final report will release bond);

- d. Confer with the Wildlife Agencies and DPLU Permit Compliance Coordinator within 24 hours any time protected habitat is being affected by construction;
- e. Attend construction meetings and other meetings as necessary.

Documentation: The Project Biologist shall prepare and submit to the satisfaction the [DPLU, PCC] monitoring reports, which indicate that the monitoring has occurred as indicated above. **Timing:** The following actions shall occur throughout the duration of the grading construction. **Monitoring:** The [DPW, PDCI] shall assure that the Project Biologist is on-site performing the Monitoring duties of this condition during all applicable grading activities as determined by the Biologist. The [DPW, PDCI] shall contact the [DPLU, PCC] if the Project Biologist or applicant fails to comply with this condition. The [DPLU, PCC] shall review and approve the monitoring reports for compliance with this condition.

3. Critical Project Design Elements That Must Become Conditions of Approval:

The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

ANY PERMIT: (Prior to the approval of any plan, issuance of any permit, and prior to occupancy or use of the premises in reliance of this permit).

1. **SALES AND USE TAX: [DPLU, PCC] [UO]**

Intent: In order to ensure economic benefits to the County by obtaining the receipt of sales and use tax revenues, the applicant will work with the County and the contractors that will be responsible for the acquisition of materials and the construction of the Project so sales and use tax shall be accepted in the unincorporated area of the County of San Diego.

Description of Requirement: A signed and notarized statement from someone authorized to sign on behalf of the applicant shall include terms mutually acceptable to the County and the applicant indicating a good faith effort will be made to ensure the receipt of sales and use tax revenue in the unincorporated area of the County of San Diego. Terms that would

ensure the receipt of sales and use tax could include, but not be limited to, the following:

- a. Make a good-faith effort to have all transactions that will generate sales and use taxes, including transactions of applicant's contractors, occur in the unincorporated area of the County;
- b. Encourage the contractors to establish a business location and tax resale account, and take other reasonable steps, to maximize receipt of sales and use tax revenues for the County;
- c. Include in a master contract and any other contract for construction, language ensuring that the County will receive the benefit of any sales and use tax generated by the Project to the fullest extent permitted by law;
- d. Include the following provision from California Board of Equalization, Regulation 1806(b), in all construction contracts:

The jobsite is regarded as a place of business of a construction contractor or subcontractor and is the place of sale of "fixtures" furnished and installed by contractors or subcontractors. The place of use of "materials" is the jobsite. Accordingly, if the jobsite is in a county having a state administrated local tax, the sales tax applies to the sale of the fixtures, and the use tax applies to the use of the materials unless purchased in a county having a state-administrated local tax and not purchased under a resale certificate.

- e. In all agreements related to the Project, identify the jobsite as the project address, which is located within the unincorporated area of the County of San Diego;
- f. If the applicant enters into a joint venture or other relationship with a contractor, supplier, or designer, the applicant shall either establish a buying company within San Diego County under the terms and conditions of Board of Equalization Regulation 1699(h), to take possession of any goods on which sales and use taxes are applicable but are not defined by Regulation 1806 and shall include in its their requests for bids, procurement contracts, bid documents, and any other agreement whereby California Sales and Use Taxes may be incurred, that the sale occurs at that place of business in

the unincorporated area of San Diego County; or, alternatively, any entity that may sell goods on which sales taxes are applicable may establish its own place of business within the unincorporated area of San Diego County where delivery is ultimately made to the applicant; principle negotiations for all such sales shall be carried on in San Diego County;

- g. Provide notice to all out-of-state suppliers of goods and equipment, no matter where originating, that San Diego County is the jurisdiction where the first functional use of the property is made.

Documentation: The applicant shall provide a signed and notarized statement from someone authorized to sign on behalf of the company, with language acceptable to the company and the Director of Planning and Land Use [DPLU, PCC] specifying the terms related to sales and use taxes, when feasible. **Timing:** Within 30 days after this permit becomes effective and prior to establishment of use in reliance of this permit, this condition shall be satisfied. **Monitoring:** The [DPLU, PCC] shall review the evidence for compliance to this condition.

2. **COST RECOVERY: [DPLU, DPW, DEH, DPR], [GP, CP, BP, UO]**
Intent: In order to comply with Section 362 of Article XX of the San Diego County Administrative Code, Schedule B.5, existing deficit accounts associated with processing this permit shall be paid. **Description of requirement:** The applicant shall pay off all existing deficit accounts associated with processing this permit. **Documentation:** The applicant shall provide a receipt to the Department of Planning and Land Use, Zoning Counter, which shows that all discretionary deposit accounts have been paid. No permit can be issued if there are deficit deposit accounts. **Timing:** Prior to the approval of any plan and prior to the issuance of any permit and prior to use in reliance of this permit, all fees and discretionary deposit accounts shall be paid. **Monitoring:** The DPLU Zoning Counter shall review the receipts and verify that all DPLU, DPW, DEH, and DPR deposit accounts have been paid.
3. **RECORDATION OF DECISION: [DPLU], [GP, CP, BP, UO]**
Intent: In order to comply with Section 7019 of the Zoning Ordinance, the Permit Decision shall be recorded to provide constructive notice to all purchasers, transferees, or other successors to the interests of the owners named, of the rights and obligations created by this permit. **Description of requirement:** The applicant shall sign, notarize with an 'all purpose acknowledgement' and return the original Recordation Form to DPLU. **Documentation:** Signed and notarized original Recordation

Form. **Timing:** Prior to the approval of any plan and prior to the issuance of any permit and prior to use in reliance of this permit, a signed and notarized copy of the Decision shall be recorded by DPLU at the County Recorder's Office. **Monitoring:** The DPLU Zoning Counter shall verify that the Decision was recorded and that a copy of the recorded document is on file at DPLU.

4. LIMITED PHASE II ENV. SITE ASSESSMENT (ESA): [DPLU, PCC] [DEH, SAM] [GP, CP, UO] [DPLU, FEE]

INTENT: A Limited Phase II Environmental Site Assessment (ESA) shall be completed. **DESCRIPTION OF REQUIREMENT:** As determined in the [County of San Diego Hazardous Materials and Existing Contamination Guidelines for Determining Significance](#), a Limited Phase II ESA shall be prepared by a California Licensed Environmental Consultant company to determine the presence of any soil contamination. The ESA and any potential work plan shall be prepared and implemented pursuant to the [DEH SAM Manual](#).

- a. If soil contamination is discovered, a full assessment and remediation shall be completed under supervision of the VAP or LOP as required. All required grading work shall comply with the [County of San Diego Grading Ordinance 87.101 et seq.](#) If a grading permit is required for the remediation work, it shall be issued for the remediation work only.

DOCUMENTATION: The applicant shall contract with a California Licensed Environmental Consultant company to prepare the Limited Phase II ESA and implement any required work plan for soil remediation. The Limited Phase II ESA shall be reviewed by the [DPLU, PCC] for approval. If soil remediation is required, a "Closure Letter" from the [DEH, SAM] shall be submitted to the [DPLU, PCC] for approval. **TIMING:** Prior to approval of any grading and or improvement plans, issuance of any construction, building or any other permit (except for any grading plan or permit required for the remediation work), and prior to commencement of any construction, or use of the property in reliance on this permit, the applicant shall comply with this condition. **MONITORING:** The [DPLU, PCC] shall review the Limited Phase II ESA to determine if any soil remediation is required. If no soil remediation is required, no further work will be required. If soil remediation is required, the [DEH, SAM] shall oversee the progress of the remediation project. Upon Completion of the remediation project the [DEH, SAM] shall issue a "Closure Letter" to the applicant The [DPLU, PCC] shall review the closure letter for compliance with this condition.

- 5. ROAD DEDICATION:** [DPW, LDR] [DPR, TC], [DGS, RP], [GP, CP, BP, UO]. **Intent:** In order to promote orderly development and to comply with the [County Public Road Standards](#), Right-of-Way shall be dedicated to the County. **Description of requirement:** Grant by separate document to the County of San Diego an easement for road purposes required to complete a one-half right-of-way width of thirty feet (30') from the existing centerline along the project frontage, plus slope rights and drainage easements along **Vesper Road**. The easement is to be accepted for public use. The grant of right-of-way shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required, and shall be accepted for public use. **Documentation:** The applicant shall prepare the legal descriptions of the easements, and submit them for preparation with the [DGS, RP], and pay all applicable fees associated with preparation of the documents. Upon Recordation of the easements, the applicant shall provide copies of the easement documents to the [DPW, LDR] for review. **Timing:** Prior to approval of any building plan and the issuance of any permit, and prior to use of the premises in reliance of this permit the easements shall be executed and recorded. **Monitoring:** The [DGS, RP] shall prepare, approve the easement documents for recordation, and forward the recorded copies to [DPW, LDR] for review and approval. The [DPW, LDR] shall review that that the easements comply with this condition.

- 6. IRREVOCABLE OFFER OF DEDICATION:** [DPW, LDR] [DPR, TC] [DGS, RP], [GP, CP, BP, UO]. **Intent:** In order to promote orderly development and to comply with the [Centerline Ordinance Section 51.510](#) and the Public Road Standards, an Irrevocable Offer of Dedication (IOD) for road purposes shall be granted to the County. **Description of requirement:** Execute an Irrevocable Offer to Dedicate (IOD) real property for public road, **Valley Center Road (SF 639)** shown as a Community Collector Road on the County General Plan Update to complete the required an one-half right-of-way width of fifty-three feet (53'), from the ultimate future centerline along the project frontage, plus slope and drainage rights for Valley Center Road (SF 639). The IOD shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required, and shall be accepted in the future for public use as determined by the Director of Public Works. **Documentation:** The applicant shall prepare the legal descriptions of the easements, and submit them for preparation with the [DGS, RP], and pay all applicable fees associated with preparation of the documents. Upon Recordation of the easements, the applicant shall provide copies of the easement documents to the [DPW, LDR] for review. **Timing:** Prior to

approval of any building plan and the issuance of any permit, and prior to use of the premises in reliance of this permit the IOD shall be executed and recorded. **Monitoring:** The [DGS, RP] shall prepare, approve the IOD documents for recordation, and forward the recorded copies to [DPW, LDR], for review and approval. The [DPW, LDR] shall review that the IOD complies with this condition.

7. FIRE PROTECTION: [DPLU, PCC] [UO] [DPLU, FEE X2]

Intent: In order to assure fire safety in compliance with the County of San Diego Fire Code Sections 96.1.4703 and 96.1.4707, the site shall be maintained in conformance with the approved Fire Protection Letter Report and Technical Report and Condition Letter from the Valley Center Fire Protection District. **Description of requirement:** The following measures approved in the Fire Letter Report and Technical Report dated October 19, 2011, shall be implemented and maintained:

- a. **Access:** The driveway entrances (fire apparatus entrance points) leading from Vesper Road and all internal roadways shall have an unobstructed improved width of 24-feet of decomposed granite (DG). Fire apparatus access roads shall be designed and maintained to support the imposed load of fire apparatus weighing not less than 75,000 lbs. and shall be provided with an approved surface for all weather driving capabilities.
- b. **Gates:** Any gates, new or existing, must meet County Fire Code. Gate installation must include a Knox key-operated switch.
- c. **CFD:** Participate in the Valley Center Fire Protection District Community Facilities District 2008-01 (CFD) to the satisfaction of the Valley Center Fire Protection District.

Documentation: The applicant shall provide documentation (inspection report or photographs) that demonstrates compliance with the FPP, and a letter from the Valley Center Fire Protection District approving the driveway access and gates. **Timing:** Prior to occupancy of the first structure built in association with this permit, the improvements shall be implemented. **Monitoring:** The [DPLU, PCC] shall verify that the mitigation measures have been initially implemented pursuant to the approved building plans and the fire protection plan.

8. LANDSCAPE DOCUMENTATION PACKAGE: [DPLU, REG] [GP, CP, BP, UO] [DPR, TC, PP]

Intent: In order to provide adequate Landscaping to screen the proposed solar facility, a landscape plan shall be prepared. The landscape plan shall conform to the approved conceptual landscape plan. **Description of requirement:** The Landscape Plans shall be prepared pursuant to the [COSD Water Efficient Landscape Design Manual](#) and the [COSD Water Conservation in Landscaping Ordinance](#), the [COSD Off-Street Parking Design Manual](#), and the COSD Grading Ordinance. All Plans shall be prepared by a California licensed Landscape Architect, Architect, or Civil Engineer, and include the following information:

- a. Indication of the proposed width of any adjacent public right-of-way, and the locations of any required improvements and any proposed plant materials to be installed or planted therein. The applicant shall also obtain a permit from [DPW, Land Development] approving the variety, location, and spacing of all trees proposed to be planted within said right(s)-of-way. A copy of this permit and a letter stating that all landscaping within the said right(s)-of-way shall be maintained by the landowner(s) shall be submitted to the Department of Planning and Land Use.
- b. A complete planting plan including the names, sizes, and locations of all plant materials, including trees, shrubs, and groundcover. Wherever appropriate, native or naturalizing plant materials shall be used which can thrive on natural moisture. These plants shall be irrigated only to establish the plantings.
- c. A complete watering system including the location, size, and type of all backflow prevention devices, pressure, and non-pressure water lines, valves, and sprinkler heads in those areas requiring a permanent, and/or temporary irrigation system.
- d. The watering system configuration shall indicate how water flow, including irrigation runoff, low head drainage, overspray or other similar conditions will not impact adjacent property, non-irrigated areas, structures, walkways, roadways or other paved areas, including trails and pathways by causing water to flow across, or onto these areas.
- e. Spot elevations of the hardscape, building and proposed fine grading of the installed landscape.
- f. The location and detail of all walls, fences, and walkways shall be shown on the plans, including height from grade and type of

material. A lighting plan and light standard details shall be included in the plans (if applicable) and shall be in compliance with the [County's Light Pollution Code](#).

- g. No landscaping material or irrigation or other infrastructure shall be located within a proposed trail easement or designated pathway.

Documentation: The applicant shall prepare the Landscape Plans using the [Landscape Documentation Package Checklist](#) (DPLU Form #404), and pay all applicable review fees. **Timing:** Prior to approval of any plan, issuance of any permit, and prior to use of the premises in reliance of this permit, the Landscape Documentation Package shall be prepared and approved. **Monitoring:** The [DPLU, Landscape Architect] and [DPR, TC, PP] shall review the Landscape Documentation Package for compliance with this condition.

9. TRAIL/PATHWAY EASEMENT: [DGS, RP] [DPR, TC] [GP, CP, BP, UO]

Intent: In order to promote orderly development and to comply with the Community Master Trails Plan, the applicant shall dedicate a public multi-use non-motorized trail easement and designate a pathway. **Description of requirement:** Dedicate by separate document to the County of San Diego, a 15-foot wide non-motorized multiuse trail easement along the project's western boundary, and designate a 10-foot wide pathway within the outside edge of the road right of way for Vesper Road, as shown on the approved Plot Plan. **Documentation:** The applicant shall prepare the legal descriptions of the trail easement, submit them to [DGS, RP], and pay all applicable fees. Upon acceptance by the County of the dedication, the applicant shall submit the recorded copy of the easement to [DPR, TC]. **Timing:** Prior to obtaining any building or other permit pursuant to this Permit, and prior to commencement of construction or use of the property in reliance on this permit, the applicant shall dedicate the trail easement to the County by separate document. **Monitoring:** Upon submittal of the easement legal description(s), application and fees, [DGS, RP] shall review the documents and application for approval, and accept the dedication. A copy of the recorded trail easement document(s) shall be transmitted to [DPR, TC] and/or [DPW, LDR] and [DPLU, PCC]. The [DPR, TC] shall review the recorded easement for compliance with this condition.

10. TRAIL/PATHWAY IMPROVEMENTS [DPR, TC] [DPW, LDR] [GP, CP, BP, UO]

Intent: In order to promote orderly development and to comply with the Community Master Trails Plan, the applicant shall receive approval of the improvement plans to improve the trail and pathway.

Description of requirement: The applicant shall submit and receive approval of improvement plans to the satisfaction of the Department of Parks and Recreation and/or Department of Public Works, to improve the trail and pathway to a width of 10-feet within the dedicated trail/pathway easements as indicated on the approved plot plan. The trail and pathway shall be constructed pursuant to the Community Trails Master Plan Design and Construction Guidelines. **Documentation:** The applicant shall prepare improvement plans and provide securities for the construction of the trail and pathway and all associated work. The plans shall be submitted to [DPR, TC] and/or [DPW, LDR], for review and approval. **Timing:** Prior to obtaining any building or other permit pursuant to this permit, and prior to commencement of construction or use of the property in reliance on this Permit, the applicant shall receive approval of the improvement plans and provide security for the construction of the trail and pathway. **Monitoring:** The [DPR, TC] and/or [DPW, LDR] shall review the plans for conformance with the Community Trails Master Plan Design and Construction Guidelines, and approve all financial securities for the construction of the trail and pathway facilities.

11. CODE VIOLATIONS: [DPLU, PCC] [BP, GP, UO] [DPLU, FEE]

Intent: In order to comply with the Zoning Ordinance, all code violations shall be resolved prior to obtaining any building, grading, or construction permit (excluding demolition permit), or any other permit pursuant to this permit, and prior to commencement of construction or use of the property in reliance on this permit, the applicant shall comply with this condition.

Description of Requirement: All code violations shall be resolved. **Documentation:** The applicant shall submit to the [DPLU, PCC] evidence that all code violations have been resolved. Evidence shall be in the form of written documentation from the Code Enforcement Division indicating that all violations have been resolved. **Timing:** Prior to obtaining any building, grading, or construction permit (excluding demolition permit), or any other permit pursuant to this permit, and prior to commencement of construction or use of the property in reliance on this permit, the applicant shall comply with this condition. **Monitoring:** The [DPLU, PCC] shall review the evidence for compliance with this condition.

12. RELINQUISH ACCESS: [DPW, LDR] [DGS, RP], [GP, CP, BP, UO]

Intent: In order to promote orderly development and to comply with the [Public Facilities Element and the Circulation element of the General Plan](#), access shall be relinquished. **Description of requirement:** Relinquish access rights onto **Valley Center Road (SF 639)** along the project's frontage, except for the alternative fire access driveway. The access relinquishment shall be free of any burdens or encumbrances, which

would interfere with the purpose for which it is required. **Documentation:** The applicant shall prepare the legal descriptions and documents and present them for review and to [DGS, RP]. Upon execution of the relinquishment documents, the applicant shall provide copies of the documents to [DPW, LDR] for review. **Timing:** Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit the access shall be relinquished. **Monitoring:** The [DGS, RP] shall prepare and execute the relinquishment documents and forward a copy of the recorded documents to [DPW, LDR] for review and approval. The [DPW, LDR] shall review the easement documents for compliance with this condition.

BUILDING PERMIT: (Prior to approval of any building plan and the issuance of any building permit).

13. PLAN CONFORMANCE: [DPLU, PCC] [UO, FG]

Intent: In order to implement the required mitigation measures for the project, the required building plans shall conform to the approved Major Use Permit. **Description of requirement:** The building plans shall conform to the approved Major Use Permit. All conditions, requirements, mitigation measures and information stated on the sheets of the plans shall be made conditions of the permit's issuance and shall be implemented pursuant to the adopted Mitigation Monitoring and Reporting Program (MMRP) of this Permit. No deviation of the requirements can be made without modification of this permit. **Documentation:** The applicant shall submit the building plans, which conform to the Major Use Permit for the project. **Timing:** Prior to approval of any building or construction permit, the notes and items shall be placed on the plans as required. **Monitoring:** The [DPLU, PCC] shall review the building plans for compliance with this condition and the report format guidelines.

14. DECOMMISSIONING PLAN: [DPLU, PCC] [BP, UO] [DPLU, FEE]

Intent: In order to ensure the removal of the Solar Energy System and to comply with Zoning Ordinance Section 7372 and 6952.b.3.d a decommissioning plan shall be prepared. **Description of Requirement:** A decommissioning plan shall be provided to the satisfaction of the Director of DPLU that ensures removal of the solar energy system upon discontinuance of the use of the system. The plan shall also include an agreement with security in the form and amount determined by the Director to ensure removal of the Solar Energy System and conversion of the site to a land use that is compatible with the surrounding properties and Zoning. The agreement shall be worded as to run with the land and all successors in interest. **Documentation:** The applicant shall provide the

plan, agreement and financial security to the [DPLU, PCC] for review. **Timing:** Prior to the approval of any building plan and the issuance of any building permit, use of the site in reliance of this permit, this condition shall be completed. **Monitoring:** The [DPLU, PCC] shall review the plan for compliance, agreement, and form of security for compliance with this condition. Upon approval of the form of security, the [DPLU, PCC] will provide the securities to the DPLU Developer Deposit Section safekeeping.

15. ANTI-REFLECTIVE SURFACES: [DPLU, BPPR] [BP, UO]

Intent: In order to reduce solar panel glare or any other reflective surface pursuant to §6952.b.3.c.iv of the Zoning Ordinance, the project components shall be designed with anti-reflective surfaces. **Description of requirement:** Any structure that is built shall have nonreflective surfaces and antiglare coatings to any reflective surfaces, unless waived specifically by the Director of DPLU. **Documentation:** The applicant shall provide notes and documentation on the building plans to demonstrate that the solar panels and any other reflective surface will be treated with an anti-reflective coating, which would reduce glare. The applicant shall provide the evidence to [DPLU, Building Division] for review and approval. **Timing:** Prior to approval of any building plan and the issuance of any building permit, or use of the premises in reliance of this permit, this requirement shall be met. **Monitoring:** The [DPLU, Building Div.] shall review the plans in accordance with this condition.

16. TRAFFIC CONTROL PLAN: [DPW, LDR] GP, IP, UO].

Intent: : In order to regulate the traffic patterns on the roads due to amount of exports and/ or imports of soil and materials during construction time, a truck traffic control plan shall be prepared and implemented. **Description of Requirement:** A Traffic Control Plan (TCP) shall be prepared that addresses the following, but is not only limited to: haul routes, number of trips per day, and destination.

- a. The implementation of the TCP shall be a condition of any grading, construction, or excavation permit issued by the County. Any additional County [Traffic Control Permits](#) shall be obtained as required. The applicant is responsible for the maintenance and repair of any damage caused by them to the on-site and off-site private roads that serve the property either during construction or subsequent operations.
- b. The applicant will repair those portions of the route that would be damaged by the heavy loads that loaded trucks place on the route

identified. An agreement shall be executed, which will also include an agreement is to include (1) a cash deposit for emergency traffic safety repairs; (2) long-term security for expected increased maintenance on the route identified; and (3) possible future asphalt overlay requirements on the route identified.

Documentation: The applicant shall have the TCP prepared by a licensed Traffic Engineer and submit it to [DPW, LDR] for review. The applicant shall also execute a secured agreement for any potential damages caused by heavy trucks on route roads. The agreement and securities shall be approved to the satisfaction of the [DPW, LDR]. The applicant is responsible for obtaining any additional permits as identified in the TCP. **Timing:** Prior to approval of any building plan and the issuance of any building permit, or use of the premises in reliance of this permit, a TCP shall be prepared and approved. **Monitoring:** The [DPW, LDR] shall review the TCP for compliance with this condition, and require any additional traffic or encroachment permits before any approval of the TCP. The TCP shall be implemented and made a condition of any associated County Construction, Grading or Encroachment Permit.

17. **INSPECTION FEE: [DPLU, ZONING][DPLU, PCO] [UO][DPR, TC, PP].**
INTENT: In order to comply with Zoning Ordinance Section 7362.e the Discretionary Inspection Fee shall be paid. **DESCRIPTION OF REQUIREMENT:** Pay the Discretionary Permit Inspection Fee at the [DPLU, Zoning Counter] and schedule an appointment for a follow up inspection with the County Permit Compliance Officer to review the on-going conditions associated with this permit. The inspection shall be scheduled no later than the six months subsequent to establishing the intended use of the permit. **DOCUMENTATION:** The applicant shall provide a receipt showing that the inspection fee has been paid. The applicant shall also schedule the follow up inspection with the [DPLU, PCC]. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit. **MONITORING:** The [DPLU, Zoning Counter] shall process an invoice and collect the fee for the Use Permit Compliance Inspection Fee. Upon collection of the fee, an inspection milestone shall be entered to schedule an inspection six months from the date that occupancy or use of the site was established. The permittee contact information shall be updated in the County permit tracking system, and the [DPLU, Permit Compliance Officer] should be notified. The [DPLU, Permit Compliance Officer] shall contact the permittee and schedule the initial inspection.

OCCUPANCY: *(Prior to any occupancy, final grading release, or use of the premises in reliance of this permit).*

18. SITE PLAN IMPLEMENTATION: [DPLU, BI] [UO] [DPR, TC, PP].

INTENT: In order to comply with the approved project design indicated on the approved plot plan, the project shall be constructed as indicated on the approved building and construction plans. **DESCRIPTION OF**

REQUIREMENT: The site shall conform to the approved Major Use Permit 3300 11-027 (MUP) plot plan and the building plans. This includes, but is not limited to:

- a. Improving all driveways in accordance with the approved Fire Protection Plan dated October 19, 2011;
- b. Installing all required landscaping as indicated on the approved Landscape Plan;
- c. Installing solar panels with antireflective coating;
- d. Removing all temporary construction facilities from the site;
- e. Improving all trails/pathways on the site as shown on the approved Major Use Permit Plot Plan;
- f. Install all required site directory signage in accordance with the approved Fire Protection Plan/Technical Report;
- g. Install a permeable soil-binding agent (biodegradable) on unpaved roadways to reduce dust (not coated with any materials that would sterilize the soil); and
- h. Installing all required design features as indicated in the project description.

DOCUMENTATION: The applicant shall ensure that the site conforms to the approved plot plan and building plans. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the site shall conform to the approved plans. **MONITORING:** The *[DPLU, Building Inspector]* and DPR [TC, PP] shall inspect the site for compliance with the approved Building Plans.

19. SALES AND USE TAX: [DPLU, PCC] [UO]

Intent: In order to ensure economic benefits to the County by obtaining the receipt of sales and use tax, the applicant will work with the County and the contractors that will be responsible for the acquisition of materials and the construction of the Project so sales and use tax shall be accepted in the unincorporated area of the County of San Diego. **Description of Requirement:** Provide documentation that demonstrates the equipment, labor, supplies, etc. for the project that were paid for and received in the unincorporated area of the County of San Diego. **Documentation:** The applicant shall provide at a minimum an organized summary to demonstrate the total estimated amount of sales tax and use revenue the project produced. The evidence shall be provided to the [DPLU, PCC] for approval to the satisfaction of the Director of DPLU. **Timing:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the final evidence and or report shall be provided to the County. **Monitoring:** The [DPLU, PCC] shall review the evidence for compliance to this condition.

20. ROAD & ACCESS IMPROVEMENTS: [DPW, LDR], [DPR, TC] [GP, CP, BP, UO] Intent: In order to promote orderly development and to comply with the [Centerline Ordinance Sec. 51.500 et. al.](#) and the County Trails Master Plan (Community Trails Master Plan), a project driveway and pathway shall be improved. **Description of requirement:** Improve or agree to improve and provide security for:

- a. The **project driveway** shall be designed and constructed to the satisfaction of the Director of Public Works.
- b. Provide **taper area** from the ultimate right of way line to the existing edge of pavement with asphalt concrete to the satisfaction of the Director of Public Works.
- c. The **project entry gate** shall be designed and constructed to the satisfaction of the Valley Center Fire Protection District and the Director of Public Works.
- d. **Ten-foot (10') DG pathway** along the project frontage on Vesper Road shall be designed and constructed to the satisfaction of the Director of Public Works and the Director of Parks and Recreation.

All plans and improvements shall be completed pursuant to the [County of San Diego Public Road Standards](#), the DPW [Land Development Improvement Plan Checking Manual](#) and the Community Trails Master

Plan. The improvements shall be completed within 24 months from the approval of the improvement plans, execution of the agreements, and acceptance of the securities. **Documentation:** The applicant shall complete the following:

- e. Process and obtain approval of Improvement Plans to improve the driveway, taper area, pathway on Vesper Road.
- f. Provide Secured agreements. The required security shall be in accordance with [Section 7613 of the Zoning Ordinance](#).
- g. Pay all applicable inspection fees with [DPW, PDC].
- h. If the applicant is a representative, then a one of the following is required: a corporate certificate indicating those corporation officers authorized to sign for the corporation, or a partnership agreement recorded in this County indicating who is authorized to sign for the partnership.
- i. Obtain approval for the design and construction of all driveways, turnarounds, pathways and private easement road improvements to the satisfaction of the Valley Center Fire Protection District and the [DPW, LDR].
- j. Obtain a Construction Permit for any work within the County road right-of-way. DPW Construction/Road right-of-way Permits Services Section should be contacted at (858) 694-3275 to coordinate departmental requirements. Also, before trimming, removing or planting trees or shrubs in the County Road right-of-way, the applicant must first obtain a permit to remove, plant or trim shrubs or trees from the Permit Services Section.

Timing: Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the plans shall be approved and securities must be provided. **Monitoring:** The [DPW, LDR] and [DPR, TC] shall review the plans for consistency with the condition and County Standards and Community Trails Master Plan. Upon approval of the plans [DPW, LDR] shall request the required securities and improvement agreements. The securities and improvement agreements shall be approved by the Director of DPW before any work can commence.

21. PAVEMENT CUT POLICY: [DPW, LDR] [GP, CP, BP, UO]

Intent: In order to prohibit trench cuts for undergrounding of utilities in all new, reconstructed, or resurfaced paved County-maintained roads for a period of three years following project surfacing, and to comply with County Policy RO-7 adjacent property owners shall be notified and solicited for their participation in the extension of utilities. **Description of requirement:** All adjacent property owners shall be notified who may be affected by this policy and are considering development of applicable properties, this includes requesting their participation in the extension of utilities to comply with this policy. No trench cuts for undergrounding of utilities in all new, reconstructed, or resurfaced paved County-maintained roads for a period of three years following project surface. **Documentation:** The applicant shall sign a statement that they are aware of the County of San Diego, Department of Public Works, Pavement Cut Policy to the satisfaction of the Department of Public Works (DPW), and submit it to the [DPW LDR] for review. **Timing:** Prior to approval of any grading or improvement plan and prior to issuance of any grading or construction permit, and prior to use of the property in reliance of this permit, the letters must be submitted for approval. **Monitoring:** [DPW, LDR] shall review the signed letters.

22. SIGHT DISTANCE: [DPW, LDR] [UO]

Intent: In order to provide an unobstructed view for safety while exiting the property and accessing a public road from the site, and to comply with the Design Standards of Section 6.1.(F) of the [County of San Diego Public Road Standards](#), and [San Diego County Standards for Private Roads](#) unobstructed sight distance shall be verified. **Description of requirement:** A Registered Civil Engineer, a Registered Traffic Engineer, or a Licensed Land Surveyor shall provide a certified signed statement that physically, there is a minimum unobstructed sight distance in both directions along Vesper Road from the project access driveway, and along Valley Center Road from the alternative fire access driveway, for the prevailing operating speed of traffic on Vesper Road and Valley Center Road per the Design Standards of Section 6.1.F of the County of San Diego Public Road Standards (approved February 9, 2010). If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify said lines of sight fall within the existing right-of-way and a clear space easement is not required. **Documentation:** The applicant shall complete the certifications and submit them to the [DPW, LDR] for review. **Timing:** Prior to any occupancy, final grading release, or prior to use of the premises in reliance of this permit, the sight distances shall be verified. **Monitoring:** The [DPW, LDR] shall verify the sight distance certifications.

- 23. TRAIL/PATHWAY ACCEPTANCE: [DPR, TC] [DPW, PDCI] [UO, FG]**
Intent: In order to ensure the trail and pathway have been constructed and/or improved in accordance with to the Community Trails Master Plan Design and Construction Guidelines, a final field inspection and acceptance must be made by the County. **Description of requirement:** The applicant shall improve to the satisfaction of the Department of Parks and Recreation and/or the Department of Public Works, a trail and pathway to a width of 10-feet within the dedicated trail and pathway easements as indicated on the Plot Plan. The trail and pathway shall be constructed in accordance with the Community Trails Master Plan Design and Construction Guidelines. **Documentation:** Upon completion of the trail and pathway, the applicant shall request in writing a final acceptance of the trail and pathway improvements. The applicant shall pass a final inspection and acceptance of the trail and pathway. A final inspection shall be coordinated with the [DPR, TC], and all applicable inspection fees shall be paid. **Timing:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the applicant shall improve the trail and pathway). **Monitoring:** The [DPR, TC] and or [DPW, *Private Development Construction Inspection*] shall review the trail and pathway for conformance with the plans for and with the Community Trails Master Plan Design and Construction Guidelines. Upon acceptance of the trail and pathway, all financial securities (if any), for the construction of the trail and pathway facilities shall be released.
- 24. CERTIFICATION OF INSTALLATION ACCORDING TO THE LANDSCAPE DOCUMENTATION PACKAGE: [DPLU, BPR] [UO] [DPLU, FEE]**
Intent: In order to provide adequate Landscaping that screens the proposed solar energy project, and to comply with the [COSD Water Efficient Landscape Design Manual](#), the [COSD Water Conservation in Landscaping Ordinance](#), the [COSD Off-Street Parking Design Manual](#), the COSD Grading ordinance, all landscaping shall be installed. **Description of requirement:** All of the landscaping shall be installed pursuant to the approved Landscape Documentation Package. This does not supersede any erosion control plantings that may be applied pursuant to [Section 87.417 and 87.418 of the County Grading Ordinance](#). These areas may be overlapping, but any requirements of a grading plan shall be complied with separately. The installation of the landscaping can be phased pursuant to construction of specific buildings or phases to the satisfaction of the [DPLU, *Landscape Architect, PCC*] [DPR, TC, PP]. **Documentation:** The applicant shall submit to the [DPLU *Landscape Architect, PCC*], a Landscape Certificate of Completion from the project California licensed Landscape Architect, Architect, or Civil Engineer, that

all landscaping has been installed as shown on the approved Landscape Documentation Package. The applicant shall prepare the Landscape Certificate of Completion using the Landscape Certificate of Completion Checklist, DPLU Form #406. **Timing:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the landscaping shall be installed. **Monitoring:** The [DPLU, Landscape Architect] shall verify the landscape installation upon notification of occupancy or use of the property, and notify the [DPLU, PCC] [DPR, TC, PP] of compliance with the approved Landscape Documentation Package.

25. FIRE PROTECTION: [DPLU, PCC] [UO] [DPLU, FEE X2]

Intent: In order to assure fire safety in compliance with the [County of San Diego Fire Code Sections 96.1.4703 and 96.1.4707](#), the site shall be maintained in conformance with the approved Fire Protection Letter Report and Condition Letter from the Valley Center Fire Protection District. **Description of requirement:** The following measures approved in the Fire Letter Report and Condition Letter dated October 19, 2011, shall be implemented and maintained:

- a. **Access:** The driveway entrance (fire apparatus entrance points) leading from Vesper Road and all internal roadways shall have an unobstructed improved width of 24' feet of decomposed granite (DG). Fire apparatus access roads shall be designed and maintained to support the imposed load of fire apparatus weighing not less than 75,000 lbs. and shall be provided with an approved surface for all weather driving capabilities
- b. **Gates:** Any gates, new or existing, must meet County Fire Code. Gate installation must include a Knox key-operated switch.
- c. **CFD:** Participate in the Community Facilities District 2008-01 (CFD) to the satisfaction of the Valley Center Fire Protection District.
- d. **Signs:** Signs shall be placed at each disconnecting point and shall indicate what equipment it de-energizes. Each inverter structure will be numbered with signage that shall be plainly visible with numbers that contrast with their background. Each inverter shall display the phone number of a responsible PV entity who can dispatch a local PV technician in a timely manner.
- e. **Lighted Directory:** A lighted directory shall be located at the entrance to the site depicting the overall site plan and the locations of each numbered inverter structure for the site. The directory shall

display the phone number of a responsible entity who can dispatch a local PV technician in a timely manner.

Documentation: The applicant shall provide documentation (inspection report or photographs) that demonstrates compliance with the FPP, and a letter from the Valley Center Fire Protection District approving the driveway access and gates. **Timing:** Prior to occupancy of the first structure built in association with this permit, the improvements shall be implemented. **Monitoring:** The [DPLU, PCC] shall verify that the mitigation measures have been initially implemented pursuant to the approved building plans and the fire protection plan.

26. WELL PERMITS OR DESTRUCTION: [DEH, LWQ] [GP, BP, UO]

Intent: In order to ensure that the water well located on the property is permitted in accordance with DEH requirements, and to comply with the [County Regulatory Code Section 67.431](#), all wells shall be permitted or destroyed. **Description of Requirement:** All water wells indicated on the Plot Plan shall be properly permitted in accordance with DEH requirements or destroyed by a California C-57 licensed well driller. A Well Permit or Well Destruction Permit shall be obtained from the [DEH, LWQ] and all applicable inspection fees shall be paid. **Documentation:** The applicant shall provide copies of the Well Permits or Well Destruction Logs to [DEH, LWQ] upon completion of the well destruction. **Timing:** Prior to occupancy or use of the premises in reliance of this permit, the applicant shall permit or destroy the wells. **Monitoring:** Upon submittal of the well permit or well destruction logs, [DEH, LWQ] shall perform a field inspection to verify that the well has been properly destroyed.

ONGOING: *(Upon establishment of use, the following conditions shall apply during the term of this permit).*

27. SITE CONFORMANCE: [DPLU, PCO] [OG]

Intent: In order to comply with Zoning Ordinance Section 7703, the site shall substantially comply with the approved plot plans and all deviations thereof, specific conditions and approved building plans. **Description of Requirement:** The project shall conform to the approved grading plans, building plans, and plot plan(s). This requirement includes, but is not limited to, maintaining the following: all parking, trails, driveways areas, lighting, regular and breakaway fencing, permeable rock or soil binding agents for all disturbed portion of the project, fire hydrants and post construction BMPS. Failure to conform to the approved plot plan(s) is an unlawful use of the land and will result in enforcement action pursuant to Zoning Ordinance Section 7703. **Documentation:** The property owner

and permittee shall conform to the approved plot plan. If the permittee or property owner chooses to change the site design in any way, they must obtain approval from the County for a Minor Deviation or a Modification pursuant to the County of San Diego Zoning Ordinance. **Timing:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **Monitoring:** The *[DPLU, Code Enforcement Division]* is responsible for enforcement of this permit.

28. DECOMMISSIONING: [DPLU, CODES] [OG]

Intent: In order to ensure the removal of the Solar Energy System pursuant to Zoning Ordinance Section 6952.b.3.d, the decommissioning plan shall be implemented upon discontinuance of the use. **Description of Requirement:** Upon the applicant's disestablishment of the photovoltaic solar farm, the approved decommissioning plan shall be implemented. The solar facilities shall be decommissioned if at such time the use of the property as a photovoltaic solar farm is discontinued, for a period of time pursuant to Section 7372 of the Zoning Ordinance, and as determined by the Director of DPLU. **Documentation:** The plan shall be implemented by the landowner and or applicant upon discontinuance of the use. **Timing:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **Monitoring:** The *[DPLU, Code Enforcement Division]* is responsible for enforcement of this permit.

29. SIGHT DISTANCE: [DPLU, CODES] [OG].

Intent: In order to provide an unobstructed view for safety while exiting the property and accessing a public road from the site, and to comply with the Design Standards of Section 6.1.(F) of the [County of San Diego Public Road Standards](#), unobstructed sight distances shall be maintained for the life of this permit. **Description of Requirements:** There shall be a minimum unobstructed sight distance in both directions along Vesper Road from the project access driveway for the life of this permit. **Documentation:** Minimum unobstructed sight distances shall be maintained. The sight distance of all adjacent driveways and street openings shall not be adversely affected by this project at any time. **Timing:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **Monitoring:** The *[DPLU, Code Enforcement Division]* is responsible for enforcement of this permit.

30. LANDSCAPE: [DPLU, BPR] [UO] [DPLU, FEE]

Intent: In order to provide adequate Landscaping that screens the proposed solar energy project, and to comply with the [COSD Water Efficient Landscape Design Manual](#), the [COSD Water Conservation in Landscaping Ordinance](#), the COSD Grading ordinance, vines shall be

planted along the face of the fencing along the entire perimeter if the existing intervening vegetation off-site is removed. **Description of requirement:** The applicant shall install additional vines along the face of the fencing along the entire perimeter of the project site if the intervening vegetation off-site is removed to the satisfaction of the *[DPLU, Landscape Architect, PCC] [DPR, TC, PP]*. **Documentation:** The applicant shall submit to the *[DPLU Landscape Architect, PCC]*, a Landscape Certificate of Completion from the project California licensed Landscape Architect, Architect, or Civil Engineer, that the additional vines have been planted along the face of the fencing along the entire perimeter of the project site. The applicant shall prepare the Landscape Certificate of Completion using the Landscape Certificate of Completion Checklist, DPLU Form #406. **Timing:** Prior to continuing the use of the premises in reliance of this permit, the additional vines shall be installed if the intervening off-site vegetation is removed. **Monitoring:** The *[DPLU, Landscape Architect]* shall verify the landscape installation upon notification, and notify the *[DPLU, PCC] [DPR, TC, PP]* of compliance with the approved Landscape Documentation Package.

ADOPTION STATEMENT: This Mitigated Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

Planning Commission

on _____

Jarrett Ramaiya, Planning Manager
Project Planning Division

EG:JR:ms